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October 12, 2022

**VIA ECF**

Hon. Lee G. Dunst  
United States District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722-4438

**Re: SAG Harbor Advisors Inc. and James Sanford v. Smart City Capital LLC**  
**Civil Action No.: 20-cv-5443**

Dear Judge Dunst:

This firm represents Defendant Smart City Capital LLC (“Defendant”) in connection with the above styled matter. We respectfully submit this letter motion in connection with the hearing on defense counsel’s Motion to Withdraw (DE 25) set before your honor on October 12, 2022 at 2:00 p.m.

The Court previously granted our letter motion requesting that Evan Berger, Esq., a shareholder in the Firm’s Ft. Lauderdale, Florida office, to appear at the hearing remotely (as he is the main point of contact between the Firm and Defendant’s principal, Mr. Oscar Bode, and also represented Defendant in a Florida action) on condition that another attorney from Becker appear, in person, at today’s hearing. Unfortunately, Samantha Lesser, the attorney that was scheduled to appear in person, is at medical appointment and will not finish be finished in time to get to the courthouse and attend the hearing.

We respectfully apologize for the foregoing and any inconvenience that it might cause and request that the hearing proceed with Mr. Berger appearing remotely.

The Honorable Lee G. Dunst  
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Thank you for your consideration.

Respectfully submitted,

/s/ Glenn H. Spiegel  
Glenn H. Spiegel

cc (via ECF)  
All counsel of record